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### REMARKS

#### Status Summary

Claims 1-32 are pending in the present application, of which claims 1, 10, 16, and 25 are presented in independent form. Claims 1-32 stand rejected. Claims 1 and 10 would be amended upon entry of this Amendment.

#### Claim Rejection(s) - 35 U.S.C. § 112

Claims 1-15 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness—specifically for insufficient antecedent basis. Independent claims 1 and 10 would be amended such that all limitations have proper antecedent basis. Accordingly, Applicants respectfully request that the Examiner enter this Amendment, at least for the limited purpose of Appeal, such that claims 1-15 would comply with U.S.C. § 112, second paragraph.

Claims 1-32 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. The action states as follows:

The amendment filed 9/30/2005 adds the following limitations (new matter is shown underlined): “Storing a key ID and a definition on a server in a network, the one or more definitions for altering the corresponding first pre-defined function of at least one of the one or more image tags to create one or more custom tags for one or more of the image files, each custom tag having a second function that is different from the corresponding first pre-defined function” (limitation a). Examiner has reviewed the originally filed specification, and has failed to find support for the added limitations.

Applicants respectfully disagree. The originally filed application supports the claim as amended. For example, Applicants describe on page 7, lines 1-5 of the originally filed application that:

a stamp tag may be provided for storing a label a user has entered on the camera to apply to a given image, such as “birthday” or “vacation”. Thus, the function of the stamp tag is to store label data. Although the user 24

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may change the data stored in a particular user tag 66, the user 24 may not change the function of that tag 66. (emphasis added).

Accordingly, the function of the stamp tag for storing a data label described in the passage above is an example of the "first pre-defined function of at least one of the one or more image tags" recited in the independent claims.

Applicants continue at page 7, line 6, of the application, describing that "[r]eferring again to FIG. 1, however, the camera 14 has the ability to run software applications 22a and 22b that may be programmed to alter the function of the user tags 66, creating custom tags 68." (emphasis added). Applicants further describe at lines 16-18 of page 7 that, conventionally, "to create the custom tags 68, however, each developer 28 of a camera application 22 that stores data in the tags 66 must also write a PC or web application that knows what type of data to extract out of which tags and what to do with the data." Applicants then describe at page 8, lines 1-6, that:

Referring again to FIG. 1, the metadata Internet platform 10 of the present invention provides a method and system for creating custom tags 68 in digital images that eliminates the need for a developer to create a specialized web or PC application to make use of the custom tags 68. According to the present Invention, a gateway server 18 allows developers 28 to enter a metadata definition 32 for the custom tags 68 that a particular camera application 22 will use. (emphasis added).

Accordingly, the metadata definition 32 for creating the custom tags 68 that alter the function of the user tags 66 as described above is an example of the "one or more definitions for altering the corresponding first pre-defined function of at least one of the one or more image tags", recited in the independent claims. The above-cited passages also provide support for the claimed feature of creating "one or more custom tags for one or more of the image files, each custom tag having a second function that is different from the corresponding first pre-defined function". In particular, the recited second function can be exemplified by the altered function of the user tags 66 described at page 7, line 6 of the specification as noted above.

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In further support of the amendments, Applicants direct the Examiner's attention to page 9, lines 10-14, of the originally filed application. In this section, the application discloses the entering of a metadata definition that changes the pre-defined function of the tag to instruct a server how to parse and display the data in newly created custom tags. As each of the tags exists prior to the definition being entered, each of the tags has an initial state corresponding to a predefined function. For example, the predefined function of the tag may include providing data describing a tagged object. A metadata definition that changes the function of the tag to include actions to be taken by the server, such as performing calculations on the data included in the custom tags is further disclosed. Once the metadata definition is entered, a custom tag is created that changes the function of the tag to, for example, instruct the server as to what calculations to perform on the data in the custom tag. Thus, the application discloses a metadata definition that alters the pre-defined function of the tag (providing data describing a tagged object) such that it creates a custom tag having a second function (providing data on which calculations can be performed by the server) that is different from the predefined function.

Applicants further direct the Examiner's attention to page 10, lines 3-16, of the application. This section of the application discloses an example metadata definition that changes the function of a tag. The example is directed to the use of a tag to store different information or to display the data in a different manner according to the key ID and definitions entered by the developer. In the example, a developer enters two metadata definitions for one tag. The metadata definitions are specific for each of two different applications. The metadata definitions change the function of the tag to allow different information to be stored in the same custom tag for each of the different applications. Further, the definition may change the function of the tag to display the information in a different format. A user of the first application would receive an image file with a tag containing information according to the first metadata definition. In contrast, a user of the second application would receive different information (or

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alternatively have the same information displayed in a different manner or for a different purpose) than the user of the first application based on the definitions' changing of the function of the tag. Thus, the original application discloses a metadata definition that alters the pre-defined function of the tag to create a custom tag having a second function.

Accordingly, Applicants respectfully assert that independent claim 1 and dependent claims 2-9 comply with 35 U.S.C. § 112, first paragraph, and no new matter was added to the claims in the prior response. As the Examiner states, independent claims 10, 16, and 25 contain amendments similar to claim 1. Thus, Applicants respectfully assert that independent claims 10, 16, and 25 and dependent claims 11-15, 17-24, and 26-32 comply with U.S.C. § 112, first paragraph, and no new matter was added to the claims for at least the same reasons stated above. As such Applicants respectfully request the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 112, first paragraph.

Claim Rejection(s) - 35 U.S.C. § 102

Claims 1, 7, 8-10, 16, and 22-24 remain rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,445,460 (filed 4/13/1998, patented 9/3/2002) to Pavley (hereinafter "Pavley").

Claim 1 recites a method for customizing tags in digital images captured with an image capture device that stores the digital images in image files. The method includes storing a key ID and a definition on a server. The definition alters a first pre-defined function of an image tag to create a custom tag having a second pre-defined function that is different from the first pre-defined function. The method includes automatically recognizing the image files by the key ID and using the corresponding stored definition to extract the data from the one or more custom tags to make the data available to a user along with the image data.

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In contrast, Pavley discloses a method and system for providing automatic image file handling with a digital image capture device (see Abstract). As discussed in prior amendments, Pavley discloses designating image files with a file attribute (i.e., a read-only file attribute, a hidden file attribute, an archive file attribute, or a system file attribute). In addition to file attributes, Pavley further discloses image tags that are associated with image files. The image tags include capture information tags, user tags, product tags, and automatic category tags. Capture information tags preserve command settings at the moment an image is captured, user tags include user-specified labels, product tags contain manufacturing information, and automatic category tags includes information based on an analysis of an image (col. 4, line 43 – col. 5, line 24). These tags are separate and distinct from the file attributes listed above. Moreover, the file attributes each correspond to a single function that either occurs or does not occur based on the marking of the respective file attribute (e.g., a logical “1” or a “0”).

The Examiner repeats text from the previous Action, citing column 6, lines 35-41, of Pavley as disclosing altering a function of a tag. Again, Applicants respectfully disagree. In the cited portion, Pavley discloses marking (or associating) image files with an archive attribute once the image files have been copied from a camera to a computer system. If the attribute is not set, the system copies the file from the camera and the sets the archive attribute. If the archive attribute is set, the system proceeds to the next image file. This marking does not alter a function of the file attributes themselves. The pre-defined function of the archiving attribute is still the same, i.e., archiving the image file or not depending on the value of the archiving attribute. If the attribute is set, the image is skipped, if not set, the image is copied.

Pavley does not disclose storing a definition that causes an attribute, such as the archiving attribute, to have a second function, as claim 1 requires. That is, the respective functions associated with the file attributes are not altered when the file attributes are associated with an image file. The pre-defined functions of the attributes themselves are never altered under Pavley—just the values of those attributes can be

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altered. This is precisely the conventional arrangement described by Applicants at page 7, lines 1-5 of the application, as noted above and repeated here for convenience, that “[a]lthough the user 24 may change the data stored in a particular user tag 66, the user 24 may not change the function of that tag 66”. (emphasis added). Thus, Pavley fails to disclose a definition for altering a first pre-defined function of an image tag to create a custom tag having a second pre-defined function that is different from the first pre-defined function, as required by claim 1.

Pavley also fails to disclose storing a key ID and a definition for altering a first pre-defined function of an image tag on a server and automatically recognizing the image files by the key ID and using the corresponding stored definition to extract the data from the one or more custom tags. The Examiner states that Pavley discloses storing a key ID and a definition in conjunction with FIG. 4. The Examiner states that:

FIG. 4 illustrates a diagram of one embodiment for an image file 835, Image file 835 includes a header 805, image data 810, a screenail 875, a thumbnail 820, and image tags 825, Header 805 preferably includes information that identifies and describes the various contents of image file 835, Image data 810 contains actual captured image data.

Apparently, the Examiner asserts that Applicants' definition for altering reads on Pavley's header 805. But Pavley's header 805 does not define the altering of a first pre-defined function of an image tag to create a custom tag having a second pre-defined function as claim 1 requires. It is not clear to Applicants what the Examiner asserts Applicants' key ID reads against in the cited passage. The Examiner further asserts that Pavley describes, in conjunction with FIG. 7, “[a] system's file manager program supports application of a rule document on a list of files by opening each image file and examining the file attributes associated with an image file”. The Examiner appears now to assert that Applicants' definition for altering is not Pavley's header, but is instead the rule document described in the cited passage above.

Notwithstanding this apparent inconsistency in the Action, Applicants respectfully assert that Pavley does not describe automatically recognizing the image files by the

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key ID and using the corresponding stored definition to extract the data from the one or more custom tags, as claim 1 requires. Regardless of what the Examiner asserts Applicants' key ID reads on, there is no correspondence between Pavley's rule document and the image files it acts upon. Pavley's rule document is selected by a user in step 1200—it is not selected based of any key ID that may exist, as claim 1 requires. Once selected, Pavley's rule document operates on all documents using the same rule document. For example, if the Examiner asserts that the image file name corresponds to Applicants' key ID, the same rule document would be applied to Pavley's image tags 825 associated with all received image files, regardless of their file names. In contrast, Applicants' invention, as defined by claim 1, allows the image files to be automatically recognized by their key ID and a corresponding (e.g., different) stored definition to be used to extract data from the one or more custom tags. The ability to automatically specify the use of different stored definitions (e.g., rule documents) to extract and apply information stored in the same image tags differently provides added flexibility and control not possibly with Pavley's static arrangement.

Accordingly, as Pavley fails to disclose each and every feature of the claimed invention for at least the above reasons, claim 1 is not anticipated by Pavley. Furthermore, rejected claims 2-9, are novel and inventive for at least the same reasons. Independent claims 10, 16 and 25 each incorporates limitations similar to those of claim 1. Thus, claims 10, 16 and 25 and their dependent claims 11-15, 17-24, and 26-32 are considered novel and inventive for at least the same reasons.

Claim Rejection(s) - 35 U.S.C. § 103

Claims 2-3, 11-12, 17-18 and 25-29 were rejected under 35 U.S.C. § 103(a) as being obvious over Pavley in view of U.S. Patent No. 6,581,094 to Gao (hereinafter "Gao").

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Claims 4-6, 13-15, 19-21 and 30-32 were rejected under 35 U.S.C. § 103(a) as being obvious over Pavley and Gao, in further view of U.S. Patent No. 6,583,799 to Manolis (hereinafter "Manolis").

Gao and Manolis (either alone or in combination) fail to cure the defect of Pavley failing to disclose altering a first pre-defined function of an image tag to create a custom tag having a second pre-defined function that is different from the first pre-defined function. Gao and Manolis (either alone or in combination) also fail to cure the defect of Pavley failing to disclose storing a definition of a custom tag on a server. Consequently, the combination of Pavley, Gao and Manolis cannot render claim 1 obvious for the same reasons stated above.

Accordingly, since the cited document(s) fails to disclose or suggest all of the claim limitations for at least the above reasons, the obviousness rejections of claim 1 and the claims that depend from it should be withdrawn. Furthermore, rejected claims 2-9 are novel and inventive for at least the same reasons. Claims 10, 16 and 25 each incorporates limitations similar to those of claim 1. Claims 10, 16 and 25, and the claims that depend therefrom, are also allowable over Pavley, Gao and Manolis for at least those reasons corresponding to those set forth with respect to claim 1

#### CONCLUSION

In view of the above, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited. Entry and favorable consideration of the above amendments and remarks is respectfully requested. The Examiner is respectfully requested to telephone the undersigned patent attorney at the below-listed number if, after reviewing the above Remarks, the Examiner believes outstanding matters remain that may be resolved without the issuance of a subsequent Official Action.

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**DEPOSIT ACCOUNT**

The Commissioner is hereby authorized to charge any fees associated with the filing of this paper to Deposit Account No. **50-3512 (IPAC, LLC)**.

Respectfully submitted,

Date: 2/23/06

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